Officer Musings

October 18, 2013

This was likely the last week Exec is free from action items. FAC has recommendations coming to us and CAAC is finalizing its process for evaluating long programs. Still, the conversations around the Exec table might interest you. This week they involved the global email putting the onus for not exceeding 20 hours on students; the controversy regarding  Financial Aid and Study Abroad; and the legal issues faculty may (or may not) face in performing their duties. In addition, Chairperson Lamb is asking FEBC and the Health Benefits Review Committee to look at the premiums announced in the President’s October 3, 2013 update as they appear to significantly shift the burden of our self-funded health insurance system toward those at the bottom of the ISU earnings scale.

Before any of that, though, the officers would like to encourage you to donate or renew your donation to the United Way.  You can make a general donation that the local United Way Board will allocate or you can dedicate your pledge to a specific agency. Some of the agencies funded include the Red Cross, the Boys & Girls Club, St. Ann’s Clinic, CODA, the Clay County Emergency Food Pantry, Happiness Bag, and many other worthy agencies.   
Here’s a link to an online form:  <http://indstate.edu/publicservice/uw/uwpledge.aspx>   
The PDF is here: <http://www.indstate.edu/unitedway/pledge_form.pdf> .   
As a reminder, these donations do not roll from year to year, so if you have a United Way pledge for 2013, please renew it for 2014.

Now for a turn to the sticky wickets…on that email regarding student workers and the not-new-but-now-enforced 20 hour rule. Student workers are frequently cobbling together two, three, or more on-campus jobs while also trying to be effective students. (Of course, some are also trying to hold down off-campus jobs too.) For reasons tied to the PPACA (Obamacare) rule regarding health insurance for employees working more than 30 hours, Exec understands why there is a necessity for a rule and why it is difficult for a student’s many employers to coordinate with one another, but to a person, Exec didn’t like the tone of the email. Moreover, we didn’t appreciate the degree to which this enforcement mechanism could put our students in the untenable position of choosing between being reprimanded/fired and walking off a critical and unfinished job. The Provost understood but asked that we understand that there are some students who are routinely exceeding 20 hours and some supervisors that are routinely allowing it. He indicates that though the onus is on students, the administration is going to hold supervisors just as accountable. The officers  understand that this is a hard problem for the administration to solve. Our position is that putting the onus entirely on students is not appropriate. The Provost agreed and pledged to continue to work with Deans, Department Chairpersons, and other academic affairs supervisors of student workers to take the onus upon themselves to make sure students are never in those untenable positions.

On the Study Abroad-Financial Aid controversy described in the last edition of the Musing, we heard from C. Baker and R. Toomey. If you don’t know, here is the challenge the three parties (students, the Study Abroad Office, and Financial Aid) face: Not all institutions with whom we have study abroad relationships, like those in Germany, issue formal transcripts. Some, particularly those in Italy, are notoriously slow in producing them. The Study Abroad office takes what they can get so as to certify that the students did what they were supposed to do. Now consider Financial Aid’s problem. They have to certify (almost always by relying on transcripts) that students earned credit and maintained Satisfactory Academic Progress on work they did while on financial aid. They have to do that before they can issue aid for the next term. If that student did the work in a place where the program ends days before our classes start, the student is now incapable of proving they did what they needed to do. In particular, asking them to navigate a bureaucracy in another country, in another culture, in another language, is both unrealistic and unfair rendering any transcript substitute equally untenable. What we can report is that this summer’s issues revolved around  only 12 of the more than 100 students that did study abroad; those 12 were handled in a way that allowed all of them to register and attend their Fall classes;  and that the two offices are committed to continuing conversations so that in coming semesters students are fully informed and prepared for their experiences, their return, and the financial aid implications of their travel.

On the legal front, we heard from the university attorney regarding concerns faculty leadership had expressed and other concerns that advisors had when thinking about the implications of the graduation guarantee. The university attorney, Melony Sacopulos, met with Exec to go through these concerns so as to help us understand what she might be able to deliver to faculty generally. The first question regarded whether the meetings of the Faculty Senate, or any of its committees, were covered under the Indiana Open Door laws. It is her opinion that the law only applies to the Board of Trustees and any committee the Trustees form themselves. Faculty Senate meetings as well as those of Exec and the standing committees are, for the most part open, but they are open by the choice of the Senate as voiced through our constitution and by-laws.

The other questions revolved around whether individual faculty are legally liable when they carry out their duties. Generally speaking, as long as the behavior itself is legal, faculty are not personally legally liable for actions they take, or even honest mistakes they make, when those actions are authorized by the university. As an advisor, for instance, if a student is unable to complete their degree in four years and it is because of a mistake by the advisor, the advisor may be judged by their supervisor as being responsible for the error and that may have performance evaluation consequences, but it would be the University that would be financially responsible for a remedy. If a faculty member is sued by someone for an action taken in the course of their duties, generally speaking, the University would cover the legal expenses of an attorney and would pay the damages or settlement costs in the case of an adverse judgment.  It was emphasized that this is not to be considered license to make mistakes, but rather as reassurance that the legal (albeit mistaken) actions we take won’t bankrupt us individually. We were reminded that even when the actions we take are not legal, but not yet proven, as long as we took those actions as part of our official duties, the university provides us with an attorney. Those fees are recoverable from us by the university if we are found guilty of those illegal actions.